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SENATE }

REPORT
No. 1479

MANUEL ALVES DE CARVALHO

MAY 25, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 762]

The Committee on the Judiciary, to which was referred the bill (S. 762) for the relief of Manuel Alves de Carvalho, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name "DeCarvalho" to read "de Carvalho".
2. In line 6, beginning with the word "the", strike the remainder of the bill and insert in lieu thereof, the following: "March 13, 1957."
3. Amend the title of the bill to read:

A bill for the relief of Manuel Alves de Carvalho.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Manuel Alves de Carvalho as of March 13, 1957.

STATEMENT OF FACTS

The beneficiary of the bill is a 45-year-old native and citizen of Portugal, who first entered the United States on February 24, 1949, as a visitor for business. On January 10, 1950, he was appointed honorary consul for Portugal in Rhode Island and on October 31, 1950, his status was changed to that of an accredited foreign government

official, in which status he last entered the United States on March 13, 1957, at Boston, Mass. He married a native U.S. citizen on May 30, 1952, and they have two citizen children. The family presently resides in Pawtucket, R.I. On June 5, 1959, the beneficiary's status was adjusted to that of a lawful permanent resident.

A letter, with attached memorandum, dated April 24, 1959, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., April 24, 1959.

A-11114067

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 762) for the relief of Manuel Alves DeCarvalho, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Providence, R.I., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Manuel Alves de Carvalho.

The bill would grant the beneficiary permanent residence in the United States as of the date of his last entry into the United States, upon payment of the required visa fee.

It should be noted that the bill does not provide that the grant of permanent residence in this case shall be conditioned upon submitting the written waiver required by section 247(b) of the Immigration and Nationality Act. The Committee may wish to amend the bill to give effect to this provision of the act.

Although the beneficiary's wife is a citizen of the United States, she has not filed a petition in his behalf with this Service to accord him nonquota immigrant status. In the event his wife did file such a petition and he was accorded nonquota status, the beneficiary appears eligible to apply for adjustment of status to that of a permanent resident under section 245 of the Immigration and Nationality Act, as amended.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MANUEL ALVES DE CARVALHO, BENEFICIARY OF S. 762

The beneficiary, a native and citizen of Portugal whose correct name is Manuel Alves de Carvalho, was born on March 15, 1915, in Lisbon. He married Mary Evelyn Ramos, a native U.S. citizen, on May 30, 1952, in Pawtucket, R.I. Their two children, Maria Elena, age 4 years and Manuel Alves, Jr., age 3 years, were born in Providence, R.I. He lives with his wife and children at 121 Amherst Street, Pawtucket, R.I. Since August 2, 1950, he has been em-

ployed as consul for Portugal in Rhode Island and now receives an annual salary of \$6,000. The family assets consist of their home valued at \$20,000 on which there is an outstanding mortgage of \$6,500, an automobile valued at \$1,500, homefurnishings and personal possessions valued at \$5,000, and three apartment houses owned by his wife valued at \$50,000 with no encumbrances. In addition to his salary, his wife has an income of \$100 weekly from the rentals of her apartment houses.

Mr. de Carvalho received the degree of bachelor of economics from the University of Lisbon, Lisbon, Portugal, in 1936 and the degree of bachelor of laws from Boston College, Boston, Mass., in 1956. His sister, who is a U.S. citizen, and his parents, who were admitted to the United States as non-immigrant members of the family of an accredited foreign government official, live in Rhode Island. He has no near relatives living abroad.

The beneficiary first entered the United States, on February 24, 1949, at which time he was admitted as a nonimmigrant visitor for business for 3 months. He received an extension of stay to January 20, 1950. On January 10, 1950, he was appointed honorary consul for Portugal in Rhode Island and on October 31, 1950, his nonimmigrant status was changed to that of an accredited foreign government official. He last entered the United States at Boston, Mass., on March 13, 1957, and was admitted as a nonimmigrant accredited foreign government official for the duration of status. Although the beneficiary has violated his status by manifesting an intention to remain in the United States permanently and to abandon his foreign domicile, deportation proceedings will not be instituted while he maintains status.

Mr. de Carvalho is aware that he can apply for adjustment of status to a permanent resident under section 245, Immigration and Nationality Act, as amended, provided he is accorded nonquota immigrant status on a petition filed with this Service by his wife and providing he submits a written waiver required by section 247(b) of the Immigration and Nationality Act. However, he does not want to do this as he hopes that the private bill will pass so that he can become a permanent resident as of the date of his last entry to the United States, on March 13, 1957. In the event the bill passes granting him permanent residence as of March 13, 1957, he could file an application to become a naturalized citizen of this country after March 13, 1960. He wants to be a U.S. citizen as soon as possible as the law of Rhode Island requires that he be a U.S. citizen before he can qualify for admission to the bar to practice law in that State. He has been advised by officials of the Portuguese Government that if he becomes a permanent resident of the United States and engages in the practice of law, he can no longer hold the position of consul but his position will be changed to that of an honorary consul.

In addition, the following letter dated June 15, 1959, to the chairman of the Senate Committee on the Judiciary from the Commissioner of

Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., June 15, 1959.

A-11 114 067

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This refers to S. 762, 86th Congress, in behalf of Manuel Alves DeCarvalho, whose correct name is Manuel Alves de Carvalho.

On June 5, 1959, the beneficiary's status was adjusted to that of a lawful permanent resident under the provisions of section 245 of the Immigration and Nationality Act, as amended.

Sincerely,

J. M. SWING, *Commissioner.*

Senator John O. Pastore, the author of the bill, has submitted the following information in connection with the case:

JUNE 25, 1959.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR: This is in reference to private bill S. 762 which I sponsored for the relief of Manual Alves DeCarvalho.

Pursuant to the suggestion made by Commissioner J. M. Swing, of the Immigration and Naturalization Service, in his report to you under date of April 24, 1959, Mr. DeCarvalho has applied for and received adjustment of status to that of permanent resident. This was effected as of June 5, 1959.

Therefore, I respectfully urge favorable consideration of this bill, S. 762, to effect Mr. DeCarvalho's status as a permanent resident as of March 13, 1957, his last date of entry into the United States. It would please me very much if the bill would be amended to that end, that is, setting the effective date of his permanent status as a legal resident as of March 13, 1957.

I have known Mr. DeCarvalho since 1950. He is a man of exemplary character and integrity. Mr. DeCarvalho has established himself in Rhode Island and is highly regarded in the community.

A graphic outline of his residence and accomplishments in Rhode Island since he first came to this country is contained in a letter that I received from Mr. DeCarvalho under date of January 2, 1959. The letter is enclosed for your committee's information.

Thanking you and your colleagues for the consideration I know you will give this private bill, and with kindest regards, I am

Sincerely yours,

JOHN O. PASTORE, *U.S. Senator.*

PAWTUCKET, R.I., *January 2, 1959.*

Hon. JOHN O. PASTORE,
*U.S. Senator,
Providence, R.I.*

DEAR SENATOR PASTORE: In accordance with your request at the time of my visit to your office last Wednesday I am sending the information that I believe is pertinent to the matter I had the pleasure of discussing with you.

I was born in Lisbon, Portugal, on March 20, 1915, son of Anastacio J. DeCarvalho and Felismina Alves DeCarvalho.

In 1950 I was appointed consul for the State of Rhode Island by the Government of Portugal and accepted by the American Government by patent letters signed by the President of the United States on August 2, 1950.

In consequence I entered this country with a Portuguese diplomatic passport under nonimmigrant classification, corresponding to section A-1 of the Immigration and Naturalization Act now in force, and I have continuously resided in the State of Rhode Island since that time with the exception of a few short visits to Portugal in connection with my consular duties.

On May 30, 1952, I married the former Evelyn Ramos, an American citizen, graduate of the University of Rhode Island, a schoolteacher in the city of Pawtucket at that time, and our marriage was blessed with two children, Maria now 4 years of age and Manuel, now 3, both born in the city of Providence.

In order to take all possible advantage of my stay in the United States I decided to further my knowledge in the field of law and in the year 1952 I enrolled in the evening division of Boston College Law School where on June 13, 1956, I was fortunate to receive the degree of bachelor of laws.

As I had the opportunity of expressing to you, it is my desire to become an American citizen and to practice law in the State of Rhode Island. To save all the time possible I successfully petitioned the supreme court of the State the waiver of certain requirements regarding citizenship under the rules governing the admission of attorneys and counselors to the bar, being able to fulfill so far the required 6 months' clerkship, intending to take the bar exams to be given next March. However, in the order of February 6, 1958, that honorable court specifically determined that I should not be entitled to be admitted to the bar upon passing such examination until I become a citizen of the United States.

Under the present immigration and naturalization laws it seems that I should be required to be a permanent resident of the United States for a period of not less than 3 years, as one of the qualifications of citizenship since I married an American citizen, unless you are kind enough to sponsor a private bill in my behalf to waive the residence requirement referred to above.

I believe that I should also inform you that I expressed these intentions to the Ministry of Foreign Affairs of Portugal during the

recent trip I made to Lisbon, and that my relations with the Portuguese Government are the most cordial being it understood that I should continue to perform the same consular duties in an honorary capacity after my change of status.

I am very grateful for your kindness and the time you dispensed to me during our recent meeting and for whatever you might be able to do in my behalf and in behalf of my family.

Respectfully yours,

MANUEL ALVES DE CARVALHO.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 762), as amended, should be enacted.

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